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19/09/30/04  
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
: Examiner: M. Rahmjoo  
KATSUHIKO NAGASAKI )  
: Group Art Unit: 2676  
Application No.: 09/619,540 )  
: Filed: July 19, 2000 )  
: For: INFORMATION )  
: PROCESSING APPARATUS, )  
: CONTROL METHOD )  
: THEREFOR, AND )  
: COMPUTER-READABLE )  
: MEMORY )  
: June 18, 2004

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Technology Center 2600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SECOND REQUEST FOR NEW OFFICE ACTION

Sir:

Applicant has received an Office Action dated June 7, 2004 (Paper No. 18), which was made in response to a Request for New Office Action dated May 14, 2004. The current Office Action is still seen to be erroneous.

Specifically, the Office Action still does not establish how non-elected Claims 25 to 47 are independent or distinct from the originally claimed invention, as required by MPEP 821.03 and 37 CFR § 1.145.

It is true that Paper No. 18 contrasts the language of the withdrawn claims against that of Claim 1. Nevertheless, mere differences in language alone are never enough to support a conclusion of distinctness sufficient to impose a restriction requirement. Moreover, the withdrawn claims are seen by Applicant to be similar to other claims in the application, such as Claims 5 and 14; thus differences from Claim 1 are of no moment.

The Office Action is therefore not seen to establish that Claims 25 to 47 are independent or distinct from the originally claimed invention. In addition, the Office Action does not present enough information for how to obtain reconsideration of this matter. Rather, the only option presented by the Office Action is the cancellation of Claims 25 to 47.

Accordingly, Applicant respectfully requests a new Office Action which more clearly sets forth how the non-elected claims are independent or distinct from the originally claimed invention, and clearly sets forth how Applicant can obtain reconsideration of this matter. Furthermore, Applicant respectfully requests that a new period for reply be set commencing with the date the new Office Action is mailed.

Applicant's undersigned attorney may be reached in our Costa Mesa,  
California office at (714) 540-8700. All correspondence should continue to be directed to  
our below-listed address.

Respectfully submitted,

  
Attorney for Applicant

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